

REMARKS

Status Summary

Claims 1-23 are pending in the present application. No claims have been added and no claims have been canceled. Therefore, upon entry of this response, claims 1-23 will remain pending. No new matter has been introduced by the present amendment. Reconsideration of the application based on the arguments presented below is respectfully requested.

Telephone Examiner Interview Summary

Applicant greatly appreciates the telephone examiner interview granted them on May 20, 2008. In the interview, agreement was reached that the currently cited art does not teach the claimed invention. It was also agreed that the examiner would withdraw the finality of the office action and conduct a new search. The amendments and remarks herein are consistent with the discussion in the telephone examiner interview.

Claim Rejection - 35 U.S.C. § 103

Claims 1-2, 5-9, 15-17, and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0058061 to Shaffer et al., hereinafter referred to as "Shaffer," in view of U.S. Patent No. 4,993,014 to Gordon, hereinafter referred to as "Gordon." The rejection is respectfully traversed.

The present subject matter as claimed in independent claim 1 recites an active telephony call processing host located in a first geographic region for controlling calls

between telephony subscribers. Claim 1 also recites a standby telephony processing host located in a second geographic region for taking over the call control functions handled by the active telephony call processing host in the event the active telephony call processing host fails. In addition, at least one local area network (LAN), which is geographically distributed between the first and second geographic regions, is adapted to carry signaling messages to and from the active and standby telephony call processing hosts.

The Examiner's attention is directed to the fact that claim 1 recites a LAN that is geographically distributed between a first geographic region and a second geographic region. The applicants' specification states that a single LAN is distributed between two completely separate sites (e.g., see site A **102** and site B **106** in Figure 1). For example, a particular LAN has a first side located at site A and a second side located at site B (see page 9, lines 1-3). Interconnection between redundant telephony call processing sites (i.e., site A **102** and site B **106**) can be implemented using transparent LAN bridging (e.g., over a WAN).

For example, Figure 2 depicts an exemplary router **200** that is coupled to a geographically diverse LAN including a LAN switch A **108** and a LAN switch A1 **114**. (Also see page 10, lines 15-17). In this exemplary scenario, a bridging function of router **200** enables the interconnection of a switch located on a first side of a LAN to a second switch located on a second, geographically separate, side of the LAN (e.g., switch **108** and switch **114**) by using a common subnet (e.g., subnet 200.1 in Figure 2). (See page 10, lines 6-22).

It is submitted that the combination of Shaffer and Gordon does not mention or suggest the geographically distributed LAN as recited in claim 1 (or claim 22, which also recites a geographically distributed LAN). First, Shaffer discloses a telecommunications system that includes a LAN **101** that is coupled to a variety of H.323 terminals **102a**, **102b**, a primary H.323 gatekeeper **108a**, a secondary H.323 gatekeeper **108b**, and a number of other devices. There is absolutely no mention or suggestion in Shaffer that LAN **101** is geographically distributed.

Similarly, applicants submit Gordon is directed to a dynamically shared facility network that provides private network service to a plurality of customers using switched facilities of a common carrier network. A plurality of service offices are connected via access links to customer telecommunications equipment. The Examiner cites column 10, lines 49-52 in order to show that Gordon discloses geographically distributed control nodes as set forth in claim 1. Specifically, the cited section states, "...FIG. 17 shows a redundant and geographically diverse network wherein traffic over a facility containing any cable break can be routed over another facility."

Applicants submit that this section cited by the Examiner only relates to the geographic diversity of facilities. Notably, Gordon defines the facilities as a tandem office, serving office, and the like (see Figure 17). In column 5, serving offices **2**, **4**, **6**, **8**, **10**, and **12** and tandem office **14** are described as toll switches. These toll switches serve the purpose of handling calls on a circuit based switching system. In contrast, the H.323 gatekeepers disclosed by Shaffer are configured to handle calls in a packet network (per the H.323 standard). Because the facilities described in Gordon are

completely different from the H.323 gatekeepers taught in Shaffer, applicants submit that the two references teach away from each other and cannot be properly combined.

The Examiner's attention is directed to the fact that Gordon fails to mention a LAN that is geographically distributed. Because the system disclosed in Gordon does not pertain to a packet network of any type, and the fact that the only mention of a geographically diverse network relates to facilities that are not components of a LAN, applicants respectfully submit that even if Shaffer and Gordon could be combined, the combination of references does not mention or suggest a geographically distributed LAN as set forth in claim 1.

In light of these arguments, applicants submit that independent claim 1 along with independent claims 22 and 23 (which contain similar elements) are not obvious over the combination of Shaffer and Gordon and thus, the rejection under 35 U.S.C. §103 should be withdrawn. Independent claim 15, which has been amended to include the element of a geographically distributed LAN to further clarify the present subject matter, is also submitted to be patentable under 35 U.S.C. §103.

Dependent claims 2, 5-9, 16-17, and 20-21 depend from claims 1 and 15 and recite additional features thereof. As such and for the exact same reasons set forth above, applicants submit that claims 2, 5-9, 16-17, and 20-21 are not obvious over Shaffer and Gordon. Therefore, the applicants submit that the rejection under 35 U.S.C. §103 should be withdrawn.

Claims 3-4 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Gordon in further view of U.S. Patent Publication

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No. 2002/0160810 to Glitho et al., hereinafter referred to as "Glitho." The rejection is respectfully traversed.

Claims 3-4 depend from claim 1 and claims 18-19 depend from claim 15. As stated above with regard to the rejection of claims 1 and 15 as unpatentable over Shaffer in view of Gordon, the combination of Shaffer and Gordon fails to teach or suggest the geographically distributed LAN set forth by claims 1 and 15. Glitho likewise lacks such teaching or suggestion. Glitho is instead directed to an intelligent network service control point and method of implementing user services utilizing call processing language scripts. Thus, Glitho fails to bridge the substantial gap existing between the claimed subject matter and the combination of Shaffer and Gordon. Accordingly, it is respectfully submitted that the rejection of claims 3-4 and 18-19 as being unpatentable over the combination Shaffer in view of Gordon in further view of Glitho should be withdrawn.

Claims 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Gordon in further view of U.S. Patent No. 6,976,087 to Westfall et al., hereinafter referred to as "Westfall." The rejection is respectfully traversed.

Claims 10-14 depend from claim 1. As stated above with regard to the rejection of claim 1 being made unpatentable over Shaffer in view of Gordon, the combination of Shaffer and Gordon fails to teach or suggest the geographically distributed LAN as set forth in claim 1. Westfall likewise lacks such teaching or suggestion. Westfall is instead directed to a method and apparatus for configuring packet data networks to supply services to users. One embodiment automatically deploys services onto a network of

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routers in order to satisfy the requirements of offered service. Thus, Westfall fails to bridge the substantial gap existing between the claimed subject matter and the combination of Shaffer and Gordon. Accordingly, it is respectfully submitted that the rejection of claims 10-14 as being unpatentable over the combination Shaffer in view of Gordon in further view of Westfall should be withdrawn.

Claims 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Gordon in further view of Westfall in further view of U.S. Patent Publication No. 2002/0165972 to Chien et al., hereinafter referred to as "Chien." The rejection is respectfully traversed.

Claims 22 and 23 include similar patentable aspects as set forth in claim 1 that are not taught by Shaffer, Gordon, Westfall and Chien. Claim 22 recites a method for routing packets between geographically separate redundant telephony call processing hosts. Similarly, claim 23 recites a method for allocating network addresses and subnet masks to a pair of geographically separate telephony call processing hosts. As stated above with regard to the rejection of claim 1 being made unpatentable by Shaffer in view of Gordon in further view of Westfall, applicants submit that the combination of Shaffer, Gordon, and Westfall fails to teach or suggest a geographically distributed LAN. Chien likewise lacks such teaching or suggestion. Chien is instead directed to a method and apparatus for reducing traffic over a communication link used by a computer network. Thus, Chien fails to bridge the substantial gap existing between the claimed subject matter and the combination of Shaffer, Gordon, and Westfall. Accordingly, it is respectfully submitted that the rejection of claims 22 and 23 as

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unpatentable over the combination Shaffer in view of Gordon in further view of Westfall in further view of Chien should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: May 27, 2008

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